



Introduction to Non-Public School Consultation for Federal Programs

The goal of consultation is agreement between the LEA (Local Educational Agency) and appropriate nonpublic school officials on how to provide equitable and effective programs for eligible non-public school children. ESEA sections 1117(b)(1) and 8501(c)(1),(5).

The goal of reaching agreement between the LEA and appropriate non-public school officials is grounded in timely, meaningful, and open communication between the LEA and the non-public school officials on key issues that are relevant to the equitable participation of eligible non-public school students, teachers and other education personnel, and families in ESEA programs.

Meaningful consultation provides ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered and to discuss viable options for ensuring equitable participation of eligible non-public school students. This assumes that the LEA has not made any decisions that will impact the participation of non-public school students and teachers in applicable programs prior to consultation, or established a blanket rule that precludes non-public school students and teachers from receiving certain services authorized under Title I, A; Title I, C; Title II, A; Title III, A; Title IV, A and B (21st Century). Non-public school officials may choose to not participate in one or more of the Titles under this Act.

Successful consultation begins well before the implementation of services, establishes positive and productive working partnerships, makes planning effective, *continues throughout implementation of equitable services*, and serves to ensure that the services provided meet the needs of eligible students and teachers.

ESSA prohibits the non-public school from obligating or receiving federal funds. The control of funds used to provide equitable services is maintained by the LEA. Materials purchased with the funds are administered by the LEA and remain the property of the LEA. Services shall be provided by an employee of the LEA or through a contract by the LEA with an individual or entity independent of the non-public school. Funds must be obligated in the fiscal year in which they were received by the public school district.

LEAs that have non-public school students eligible for equitable services are required to complete the affirmation of consultation by using the "Affirmation of Consultation with Non-Public School Officials" form whether the non-public school officials are accepting services or not.

Title I, A Non-Public School Services

Section 200.62(b)(1)(i) of the Title I regulations defines Title I eligible non-public school children as *those who reside in Title I participating public school attendance areas of the LEA, regardless of whether the non-public school they attend is located in the LEA.* Thus, the LEA in which the child resides is responsible for providing Title I services to the child, but it may arrange to have services provided by another LEA and reimburse that LEA for costs through a transfer of funds.

LEAs must reach out to their adjacent districts. Who are their participating non-public schools? Have any of those schools indicated they may potentially have non-public school students from your district? The district where the nonpublic student resides is ultimately responsible for oversight of services for students.

Once identified, consult with the non-public schools where students from within your district boundaries attend to determine service delivery. It is an option, based on non-public school consultation and conversations with other school districts, to do a transfer of funds with the district that will deliver services to the eligible students.

- Identify parties entering into the agreement to transfer funds;
- Provide contact information;
- Specifically delineate timelines and the agreed-upon services to be provided to each eligible group (students, teachers, families);
- Provide the identified equitable share; and
- Through an amendment transfer funds to the adjacent district. Contact your assigned Title I Specialist for support, if needed. Additional guidance can be found [here](#).

Title II, III, and IV Non-Public School Services

Titles II, III and IV provide equitable services to teachers, students and other educational personnel *located within the boundaries of the public school district regardless of where the students reside*. Non-public school officials consult with public school officials on the use of funds to meet the needs of non-public school students through services to their teacher, principals, and other educational personnel.